

REMARKS

REMARKS ABOUT THE STATUS OF THE CLAIMS:

Applicants have changed the status identifier of claim 20 to read “previously presented,” as requested by the Examiner.

REMARKS ABOUT THE PRIOR ART REJECTIONS:

Claims 1-10, 17-19 and 21-23:

In the Office Action mailed May 24, 2006, the Examiner rejected all of the claims under 35 USC 102 as being anticipated by U.S. Patent No. 5,836,930 to Lantz et al. The Examiner’s rejections of independent claims 1 and 17 tracked the prior rejections over Lantz, except that the Examiner now asserts that the absorbent structure 32 is comprised of a plurality of coextensive layers, such that the structure 32 has a uniform thickness in the longitudinal direction (Office Action at 2).

Applicants submit that such an assertion is *completely irrelevant* to the analysis of claims 1 and 17.

In particular, Applicants amended claim 1 to recite that “said *body chassis* is formed from a laminate structure having a plurality of layers, wherein all of said layers have the same length such that a thickness of *said body chassis* is the same along said length of said layers.” Method claim 17 includes a similar recitation. Accordingly, the recitation of uniform thickness is directed to the *body chassis*, not the *absorbent insert* as argued by the Examiner.

With respect to the *body chassis*, Lantz discloses an outermost layer of material 84, 85 connected to overlie the outer cover along the front and rear waistband regions, with the “outermost resilient material [having] a lengthwise extent which is less than the length of the outer cover” (Abstract, see also Col. 24, lines 42-51). In particular, Lantz teaches that a “resilient patch 84 has a patch length 86 which extends longitudinally of the diaper along not more than about 30 percent of the article length 90, and preferably, extends along not more than about 15 percent of the article length[,] in further aspects of the invention, patch length 86 can be configured

to extend not more than about 10 percent of the article length, and particular aspects of the invention include a resilient patch which extends longitudinally of the diaper along not less than about 2 percent of the article length to provide desired benefits” (Col. 24, lines 42-51).

Lantz goes on to state that the front patch 84 is spaced from the laterally extending, terminal edge 60 of absorbent structure by a discrete distance to facilitate the folding operation” (Col. 24, lines 9-11). For these reasons, Lantz does not disclose the recited configuration and in fact *expressly* teaches against making *all layers of the body chassis* the same length.

Importantly, the Examiner also asserts that the length 94 of the structure 32 is no less than 40% of the length of the diaper, thereby making clear that the structure 32 is being applied as the recited absorbent insert, rather than the recited body chassis. For these reasons, Lantz simply does not disclose or suggest all of the limitations of claims 1 and 17, or any claim depending therefrom.

Claims 11-16 and 20:

The Examiner states, without citation support, that the edges of the absorbent structure 32 of Lantz are “longitudinally spaced from . . . the *terminal edges of crotch region 16*” (Office Action at 4). Simply put, that is not possible, since Lantz does not disclose or suggest in any way “*terminal crotch edges*” of the body chassis.

Instead, as noted in the prior response, Lantz discloses only a *single unitary* outer cover 30 that “provides a rear waistband portion 14 and a front waistband portion 12” and a crotch region 16 connecting those portions (Col. 4, lines 4-28). Lantz further discloses that the outer cover 30 defines the “*length 90* and width 92 of the article” (Col. 3, lines 26-40; Col. 4, lines 1-4; FIGS. 1-6). As shown in FIG. 1 of Lantz, the length 90 extends from one waist edge to the other. *None* of front and rear waistband portions, or even the crotch region, however, has a “*terminal edge*” in the crotch region. At most, those portions/regions have some

arbitrary boundary, which boundary is not even shown in Lantz. Indeed, as shown in FIGS. 2-6 of Lantz, the chassis is of a unitary construction that extends from one terminal waist edge to the other – Lantz is completely devoid of any terminal edges at the interface between the crotch region and either of the front and rear waist portions.

Moreover, even if the Examiner were to assert that some imaginary boundary exists between either of the front or rear waistband portions 12, 14 and the crotch region 16 of Lantz, and that such a boundary forms a “terminal edge” of each portion, the terminal edges at each junction cannot possibly be longitudinally spaced from each other, as recited in claims 11 and 20, because the front waistband portion, the rear waistband portion and the crotch region 16 are made of the same components, namely topsheet 28 and backsheets 30 (see Lantz at FIGS. 1 and 2). As such, the front waistband portion 12 and the crotch region 16 necessarily have the same boundary at the junction thereof. Therefore, it is not possible for the boundary of the front waistband 12 in the crotch region to be “longitudinally spaced” from the boundary of the crotch region 16, as recited in claims 11 and 20, since those boundaries are necessarily one and the same. Likewise, the rear waistband portion 14 and the crotch region 16 necessarily have the same boundary at the junction thereof, and it is not possible for those boundaries to be longitudinally spaced, since they are one and the same.

The Examiner also cannot assert that patches 84 and 85 constitute the front and rear body panels of Lantz, since the absorbent structure 32 does not *overlie* either of those portions (see FIGS. 2 and 3) as recited in claims 11 and 20. Indeed, as explained above, Lantz expressly teaches that the patch 84 is “spaced from the laterally extending, terminal edge 60 of the absorbent structure 32 by a discrete distance to facilitate the folding operation” (Col. 24, lines 9-12).

On the same note, the Examiner cannot argue that the backsheets 30 and topsheet 28 of Lantz also make up a portion of the absorbent insert that overlies the

patches 84, 85, since the terminal *waist edges* of the topsheet 28 and backsheet 30 are *not* "longitudinally spaced from said *terminal waist edges*" of the patches 84, 85, as recited in claim 11. Rather the edges of the backsheet 30 and topsheet 28 are *even* with the waist edges of the patches 84, 85 (see Lantz at FIG. 1 and 2).

For all of these reasons, claims 11-16 and 20 are patentable over Lantz.

Conclusion:

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully Submitted,



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Dated: July 24, 2006

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